## Remarks

### I. Administrative Overview

Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 were presented for examination of which Claims 1 and 31 are independent. Claims 1 and 31 are hereby amended. Upon entry of the present amendments, Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are pending. No new matter has been introduced.

Applicants submit that pending claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are in condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of all rejections levied against the pending claims.

### II. Specification Objections

In response to the Examiner's Specification objections, Applicants submit with this response a Substitute Specification. Applicants respectfully submit that this Substitute Specification addresses all informalities objected to by the Examiner, and that this Substitute Specification contains no new matter.

Regarding the Examiner's objection to the proposed amended title "System and Method for Assigning Unique Identifiers to Programs Executing on Computers," Applicants thank the Examiner for his suggestion but respectfully submit that this title is sufficiently descriptive of the claimed invention. The title need only be "brief but technically accurate and descriptive." *See e.g.* MPEP 606. A title reciting "...Programs Executing on Computers" is descriptive of the claimed invention which recites a first program invoked by a user and a second program invoked by the user. Thus, Applicants respectfully submit that the title complies with all formalities and request that the Examiner withdraw all Specification objections.

### III. Rejections under 35 U.S.C. § 101

Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are rejected under 35 U.S.C. § 101 for failing to claim patentable subject matter. Claims 1 and 31 have been amended to more

clearly recite the claimed invention. Applicants respectfully submit that these amendments overcome this rejection and further petition the Examiner to withdraw this rejection to the extent that it is maintained over the claims as amended.

Under 35 U.S.C. § 101, statutory subject matter is defined as "any new and useful process, machine, manufacture, or composition of matter." Subject matter that does not fall within one of these categories or that otherwise preempts use by others of the excepted subject matter, is still "surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus." *See* In Re Bilski, No. 2007-1130, Serial No. 08/833,892 at 10 (Fed. Cir. Oct. 30, 2008); *see e.g.* MPEP § 2106(IV)(D).

Claim 1 claims statutory subject matter because it recites a system that is <u>tied to a particular machine</u>, i.e. a computer that executes an interface mechanism and a network communication interface. The functions carried out by the computer, the interface mechanism and the network communication interface, are a result of the execution of the computer, and of the execution of the interface mechanism and the network communication interface on the computer. Therefore, although Claim 1 properly claims a manufacture (i.e. a system for assigning a unique identifier,) the manufacture claimed by Claim 1 is also tied to a computer. Any contentions that Claim 1 claims software *per se*, or otherwise unpatentable subject matter, are improper because Claim 1 properly claims subject matter that falls within the enumerated statutory categories and that is tied to a particular machine.

Similarly, Claim 31 claims statutory subject matter because it recites a method that is <u>tied to a particular machine</u>, i.e. a computer that executes an interface mechanism and a network communication interface. The process carried out by the computer, interface mechanism and the network communication interface, are a result of the execution of the computer, and of the execution of the interface mechanism and the network communication interface on the computer. Therefore, although Claim 31 properly claims a process, the process claimed by Claim 31 is also tied to a computer. Any contentions that Claim 31 claims software *per se*, or otherwise unpatentable subject matter, are improper because Claim 31 properly claims subject matter that falls within the enumerated statutory categories and that is tied to a particular machine.

Claims 2, 4-17, 19-20, 22, 32, 34-47, 49-50 and 52 depend on and incorporate the limitations of Claims 1 and 31, therefore Claims 2, 4-17, 19-20, 22, 32, 34-47, 49-50 and 52 also

claim statutory subject matter. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

## IV. Rejections under 35 U.S.C. § 112

Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are rejected under 35 U.S.C. § 112, second paragraph as indefinite and for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Applicants respectfully submit that Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are definite and that they particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Applicants respectfully traverse this rejection because it is improper. Claim 1 recites a system while Claim 31 recites a method. Applicants are entitled to

> "define in the claims what they regard as their invention essentially in whatever terms they choose ... Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought." *See e.g.* MPEP § 2173.01 (emphasis added).

Applicants respectfully submit that one having ordinary skill in the art can read the pending claims and determine the subject matter Applicants regard as their invention. Therefore Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are definite. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

## V. Rejections under 35 U.S.C. § 102

Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are rejected under 35 U.S.C. § 102(e) as unpatentable over U.S. Patent Publication No. 2005/0097179 to Orme ("Orme.") Although Claims 1 and 31 have been amended to more clearly recite the claimed invention,

Applicants respectfully submit that Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52, as previously presented, are patentable over Orme.

A claimed invention lacks novelty when a cited reference discloses each and every element of the claimed invention. Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are patentable over Orme because Orme fails to disclose assigning a first network identifier to a first program and a second network identifier to a second program where (1) the first network identifier and the second identifier are selected from a plurality of network identifiers of a user, and (2) where the plurality of network identifiers are allocated to the user.

At best, Orme describes assigning an IP address to an application for the purpose of implementing access control lists. *See* Orme, paragraphs 910 and 920. At no point does Orme disclose assigning to an application an IP address allocated to a user, nor does Orme even suggest that the application should be associated with a user. Furthermore, Orme does not disclose obtaining IP addresses or other network identifiers from a group of IP addresses assigned to a particular user.

In light of Orme, it would not be obvious to assign an IP address associated with a user to an application because is silent as to the relationship between a user of the system, an application and an IP address assigned to the application. Furthermore, Orme does not suggest associating a user with an application via a network identifier, because Orme focuses on associating applications with entries in an access control list via IP addresses.

The above remarks demonstrate that Claims 1, 2, 4-17, 19-20, 22, 31-32, 34-47, 49-50 and 52 are patentable over Orme because Orme fails to disclose each and every element of Claims 1 and 31. Claims 2, 4-17, 19-20, 22, 32, 34-47, 49-50 and 52 depend on and incorporate the subject matter of Claims 1 and 31, therefore these claims are also patentable over Orme. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

## VI. Conclusion

Applicants contend that each of the Examiner's rejections has been adequately addressed and that all of the pending claims are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection, and allowance of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' agent would expedite prosecution of this application, the Examiner is urged to contact Applicants' agent at the telephone number identified below.

Respectfully submitted,
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